

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2135

Introduced by Assembly Member Blumenfield
(Coauthors: Assembly Members Alejo and, Fletcher, Solorio,
Wieckowski, and Williams)

February 23, 2012

An act to add Section 18941.11 to the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 2135, as amended, Blumenfield. Building standards: solar distributed generation technology on residential and commercial property.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. In the absence of a designated state agency, the commission is required to adopt specific building standards, as prescribed. Existing law requires the commission to publish, or cause to be published, editions of the code in its entirety once every 3 years. The commission is authorized to act through a procedure for emergency standards, as defined, upon a finding of an emergency.

This bill would authorize the commission, before the conclusion of the 2012 Triennial Code Adoption Cycle of the California Building Standards Code on January 1, 2014, to adopt building standards for solar distributed generation technology on residential and commercial property pursuant to the procedures for emergency standards without

the necessity of making a finding of an emergency *made by either the commission or a proposing agency*. The bill would also require the commission, *the Department of Housing and Community Development, and the State Fire Marshal to develop cooperate in developing* a model ordinance and guidelines to assist local agencies to develop building standards and permitting processes for solar distributed generation technology on residential and commercial property and post the model ordinance and guidelines on ~~its~~ *their respective Internet Web-site: sites*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The state urgently needs to assist local jurisdictions in the
- 4 deployment of clean energy distributed generation technology.
- 5 (b) The state can assist local jurisdictions in deploying this
- 6 technology by developing statewide building standards and
- 7 recommendations for the installation of basic solar equipment on
- 8 residential and commercial property.
- 9 (c) Electricity generated from solar power can assist the state
- 10 in solving an array of environmental and economic problems
- 11 related to energy production, including, but not limited to, assisting
- 12 the state in reaching its environmental goals.
- 13 (d) In recent years, the state has both encouraged the
- 14 development of innovative distributed generation technology and
- 15 prioritized the widespread adoption of solar power as a renewable
- 16 energy resource.
- 17 (e) To assist local jurisdictions and reach state environmental
- 18 goals, it is imperative that the California Building Standards Code
- 19 addresses technological advances through appropriate building
- 20 standards and permitting policies for the installation of solar
- 21 distributed generation technology and that local jurisdictions
- 22 receive guidance on how to apply those standards and policies to
- 23 ensure safe, reasonable, and consistent code enforcement.
- 24 (f) A streamlined, consistent process for installations of solar
- 25 distributed generation technology on residential and commercial
- 26 property will eliminate unnecessary waste and variability across
- 27 jurisdictions, reduce the cost of solar power, increase the

1 deployment of solar distributed generation technology, provide
2 solar customers with greater installation ease, and generate much
3 needed jobs in the state, all while maintaining safety standards.

4 (g) The state encourages local jurisdictions to develop or amend
5 their building standards and permitting processes to ensure there
6 exists a low cost, streamlined process for the deployment and
7 installation of solar distributed generation technology on residential
8 and commercial property.

9 SEC. 2. Section 18941.11 is added to the Health and Safety
10 Code, to read:

11 18941.11. (a) Before the conclusion of the 2012 Triennial
12 Code Adoption Cycle of the California Building Standards Code
13 (Title 24 of the California Code of Regulations) on January 1,
14 2014, the commission may adopt building standards for solar
15 distributed generation technology on residential and commercial
16 property pursuant to the procedures for emergency standards
17 without the necessity of making a finding of an emergency *or*
18 *requiring a proposing agency to make a finding of an emergency.*

19 (b) The commission *and the Department of Housing and*
20 *Community Development, in cooperation with the State Fire*
21 *Marshal*, shall develop a model ordinance and guidelines that assist
22 local agencies to develop building standards and permitting
23 processes for solar distributed generation technology on residential
24 and commercial property. The commission, *the Department of*
25 *Housing and Community Development, and the State Fire Marshal*
26 shall post the model ordinance and guidelines on ~~its~~ *their respective*
27 Internet Web-site *sites*.